

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**



64-17-04

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

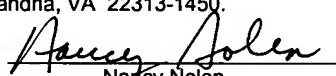
APPLICANT: Daniel E. Morse et al. )  
SERIAL NO.: 10/727,232 ) ART UNIT: 1712  
FILED: December 2, 2003 ) EXAMINER: TO BE ASSIGNED  
FOR: **METHODS, COMPOSITIONS AND** )  
**BIOMIMETIC CATALYSTS FOR IN** )  
**VITRO SYNTHESIS OF SILICA,** )  
**POLYSILSEQUIOXANE, POLYSIL-** )  
**OXANE, AND POLYMETALLO-OXANES** )  
ATTY. DKT. NO.: 1279-281N2/09900075 )

**REQUEST FOR CORRECTED FILING RECEIPT**

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service Express "Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label No. EV 323472324 US on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: April 8, 2004

  
Nancy Nolen

April 8, 2004  
865 South Figueroa Street, 29th Floor  
Los Angeles, California 90017-2576

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition the Commissioner for Patents to correct two errors in the official Filing Receipt as follows:

The Filing Receipt reflects an incorrect Atty. Docket No.:

"LA-1279-281NX".

The correct Atty. Docket No. should read:

"1279-281N2".

The Filing Receipt reflects an incomplete listing of the Applicant(s):

"Daniel E. Morse, Santa Barbara, CA;  
Galen D. Stucky, Goleta, CA".

The complete listing of the Applicant(s), as reflected on the attached copy of the Declaration and Petition that was originally filed with the Patent Application on December 2, 2003, should read:

"Daniel E. Morse, Santa Barbara, CA;  
Galen D. Stucky, Goleta, CA;  
Timothy D. Deming, Summerland, CA;  
Jennifer Cha, Goleta, CA  
Katsuhiko Shimizu, Tochigi, Japan  
Yan Zhou, Goleta, CA".


A photocopy of the Filing Receipt with the corrections noted thereon is attached.

Correction of the official records of the above-identified patent application and issuance of a corrected Filing Receipt is respectfully solicited.

No fee is believed due in connection with this communication. However, if it is determined that a fee is due, the Commissioner is authorized to charge any such fee to Deposit Account No. 50-0337.

Respectfully submitted,

Date: April 8, 2004

  
Robert Berliner  
Registration No. 20,121

Telephone: (213) 892-9206  
Facsimile: (213) 680-4518  
Docket No. 1279-281N2/09900075



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/727,232	12/02/2003	1712	385	<del>LA 1279-281NX</del> 1279-281N2	5	11	3

CONFIRMATION NO. 5734

000167  
 FULBRIGHT AND JAWORSKI L L P  
 PATENT DOCKETING 29TH FLOOR  
 865 SOUTH FIGUEROA STREET  
 LOS ANGELES, CA 900172576

## FILING RECEIPT



\*OC000000012255607\*

Date Mailed: 04/01/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Daniel E. Morse, Santa Barbara, CA; Yan Zhou, Goleta, CA  
 Galen D. Stucky, Goleta, CA;  
 Timothy D. Deming, Summerland, CA;  
 Jennifer Cha, Goleta, CA;  
 Katsuhiko Shimizu, Tochigi, Japan;

## Domestic Priority data as claimed by applicant

This application is a CON of 09/856,599 07/16/2001 PAT 6,670,438  
 which is a 371 of PCT/US99/30601 12/17/1999  
 which claims benefit of 60/112,944 12/18/1998

## Foreign Applications

Projected Publication Date: To Be Determined - pending completion of Sequence Disclosures

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Methods, compositions, and biomimetic catalysts for in vitro synthesis of silica, polysilsequioxane,



polysiloxane, and polymetallo-oxanes

Preliminary Class

528

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

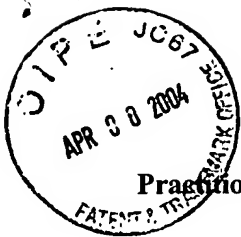
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



04-12-04

Practitioner's Docket No. 58418-C (48497)

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Henrik STENDER

Application No.: 10/719,979

Group No.: 1641

Filed: November 21, 2003

Examiner: Not yet assigned

For: PEPTIDE NUCLEIC ACID PROBES FOR ANALYSIS OF PSEUDOMONAS (SENSU STRICTO)

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

**NOTIFICATION OF FILING OF CONTINUING, DIVISIONAL  
OR CONTINUED PROSECUTION APPLICATION**

Notification is hereby being made of the filing of a:

- ☐ continuation  
☒ continuation-in-part

---

**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. section 1.8(a)**

**37 C.F.R. section 1.10\***

- ☐ with sufficient postage as first class mail. ☒ as "Express Mail Post Office to Addressee"  
Mailing Label No. **EV438994280US**  
**(mandatory)**

**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office.

*Patricia A. Barnes*  
Signature

Date: **April 8, 2004**

**Patricia A. Barnes**  
*(type or print name of person certifying)*

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).  
"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable C.F.R.e, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

☐ divisional  
☐ continued prosecution

application for this case

☒ concurrently herewith.

☒ on April 8, 2004  
Date



SIGNATURE OF PRACTITIONER

Reg. No. 40,927

Robert L. Buchanan

*(type or print name of practitioner)*

Tel. No. (617) 439-4444

EDWARDS & ANGELL, LLP

Fax Nos.: (617) 439-4170 / 7748

P.O. Box 55874, Boston, MA 02205

P.O. Address

Customer No.: 21874

#440678

**DECLARATION AND PETITION** **COPY**

As the below named inventors, WE hereby declare that:

Our residences, post office address and citizenships are stated below next to our names.

We believe that we are the original and first inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHODS, COMPOSITIONS, AND BIOMIMETIC CATALYSTS FOR IN VITRO SYNTHESIS OF SILICA, POLYSILSEQUIOXANE, POLYSILOXANE, AND POLYMETALLO-OXANES**, the specification of which was filed on December 18, 1999 and was assigned International Application No. PCT/US99/30601 and filed under 35 U.S.C. 371 on May 22, 2001.

WE hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

WE acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

WE hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: International Application No. PCT/US99/30601 filed December 18, 1999.

WE hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, WE acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application: .



WE hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Wherefore we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, and we hereby subscribe our names to the foregoing specification and claims, declaration and petition.

**Full name of first inventor:** Daniel E. Morse

Inventor's signature: Daniel E. Morse

Date: 6/10/01

Residence: 128 Via Alicia  
Santa Barbara, CA 93108

Citizenship: USA

Post Office Address: same

**Full name of second inventor:** Galen D. Stucky

Inventor's signature: Galen D. Stucky

Date: 6/11/01

Residence: 973 W. Campus Lane  
Goleta, CA 93117

Citizenship: US

Post Office Address: same

Full name of third inventor: Timothy D. Deming

Inventor's signature: 

Date: 6-11-01

Residence:

P.O. Box 1351

Sumner, CA 93067

Citizenship: USA

Post Office Address: same

Full name of fourth inventor: Jennifer Cha

Inventor's signature: 

Date: 6/11/01

Residence:

7048 Hillsboro St.

Goleta, CA, 93117

Citizenship: USA

Post Office Address: same

Full name of fifth inventor: <sup>Katsuhiko SHIMIZU</sup>  
~~Katsuhiko SHIMIZU~~ 6-5-01 KS

Inventor's signature: 

Date: 6-15-01

Residence:

A201, 3-7-7 Jonan

Utsunomiya, Tochigi 321-0117

Citizenship: Japan

Post Office Address: same

Full name of sixth inventor: Yan ZHOU

Inventor's signature: 

Date: 6/11/01

Residence:

720 Gayley Walk, #105

Goleta, CA 93117

Citizenship: China

Post Office Address: same